

## Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 VO-05 CA-01 CIAE-00 FBIE-00 INSE-00  
NSAE-00 HA-05 DODE-00 PM-05 H-01 INR-10 L-03  
NSC-05 PA-01 SP-02 SS-15 USIA-06 IO-13 /085 W  
-----068942 210926Z /20  
R 210748Z MAR 78  
FM AMEMBASSY WARSAW  
TO SECSTATE WASHDC 3970

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EO 11652: NA  
TAGS: CVIS CSCE SHUM SCUL PL US  
SUBJ: DIVIDED FAMILIES

1. FOLLOWING THE AMBASSADOR'S INTRODUCTORY CALL ON FOREIGN MINISTER WOJTASZEK (WARSAW 2320), DIRECTOR OF DEPARTMENT III SZEWCZYK MET WITH THE DCM TO CONVEY THE REPLY ON DIVIDED FAMILIES PROMISED TO SECRETARY VANCE BY FOREIGN MINISTER WOJTASZEK IN DECEMBER (VANCE-WOJTASZEK MEMCON OF JANUARY 30, 1977).

2. SZEWCZYK READ THE FOLLOWING STATEMENT TO THE DCM, A COPY OF WHICH HE HANDED OVER AS A "NON PAPER":

BEGIN TEXT: I HAVE BEEN AUTHORIZED TO CONVEY TO THE US EMBASSY A REPLY OF THE MINISTER OF FOREIGN AFFAIRS OF THE POLISH PEOPLE'S REPUBLIC TO THE SECRETARY OF STATE, MR. CYRUS VANCE.

PRESENTED BY THE SECRETARY OF STATE THE THREE CASES CONCERNING THE REFUSAL TO ISSUE PERMITS TO LEAVE FOR THE UNITED STATES HAVE BEEN ONCE AGAIN EXAMINED. THE U.S. CONSUL IN WARSAW HAS BEEN INFORMED THAT IN THE CASE OF JAN BIEGUNSKI AN APPROVAL FOR EXIT MIGHT BE GIVEN IF THE PERMANENT PAYMENT OF ALI-  
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MONIES FOR HIS TWO CHILDREN RESIDING IN POLAND IS GUARANTEED. IN THE CASE OF MARIA KOTLARZ THE U.S. EMBASSY HAS RECEIVED INFORMATION IN THE NOTE OF FEBRUARY 22, 1978. MRS. KOTLARZ HAS RECEIVED POLISH VISA IN THE U.S. PASSPORT AS THE RESULT OF FORWARDING FALSE INFORMATION TO THE CONSULATE OF THE POLISH PEOPLE'S REPUBLIC IN THE UNITED

STATES. ACCORDING TO THE POLISH

LAW MRS. KOTLARZ IS A POLISH CITIZEN. MOREOVER, SHE HAS A HUSBAND IN POLAND WHO REQUIRES CARE.

THE POLISH AUTHORITIES WOULD BE PREPARED TO GIVE AN APPROVAL FOR AN EXIT TO THE UNITED STATES TO BOTH MR. AND MRS. KOTLARZ IF THEY EXPRESS SUCH A DESIRE, AND IF THE U.S. AUTHORITIES GUARANTEE THE ISSUANCE OF ENTRY VISAS. PROPOSING SUCH A SOLUTION OF THIS CASE THE POLISH AUTHORITIES ARE GUIDED BY THE HUMANITARIAN REASONS; THE SOLUTION AS PROPOSED BY THE U.S. SIDE WOULD LEAD TO A DIVISION OF FAMILY AND ABANDONING OF A LONELY MAN WHO REQUIRES CARE.

IN THE KENNEDY-STROJEK CASE THE NEGATIVE DECISION REMAINS VALID.

DURING THE TALKS IN WARSAW THE POLISH SIDE HAS INFORMED THE US. SECRETARY OF STATE THAT ALL CASES OF THE SO-CALLED DIVIDED FAMILIES THAT HAD BEEN LISTED BY THE U.S. EMBASSY WERE EXAMINED - 116 CASES INVOLVING 214 PERSONS. THESE CASES WHICH PROVED TO JUSTIFIED HAVE BEEN SOLVED. THE NAMES OF PERSONS WHO WERE GIVEN APPROVAL HAVE BEEN BROUGHT TO THE ATTENTION OF THE US. CONSULATE IN WARSAW.

THE POLISH SIDE HAS INFORMED THAT THE U.S. EMBASSY'S LIST INCLUDED:

-38 CASES IN WHICH THE POSITIVE DECISION IS LIMITED OFFICIAL USE

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TAKEN - THEY REGARDED 72 PERSONS, 34 CHILDREN INCLUDED;

- 4 CASES CONCERNING PERSONS WHO HAVE ALREADY BEEN RESIDING IN THE UNITED STATES OR OTHER COUNTRIES;

- 51 FAMILIES WHO ARE NOT INTERESTED IN LEAVING FOR THE UNITED STATES;

-2 CASES IN WHICH THE POLISH AUTHORITIES TOOK A POSITIVE DECISION, THE PERSONS INVOLVED, HOWEVER, COULD NOT LEAVE BECAUSE THEY WERE DENIED THE U.S. VISAS;

-13 CASES WHERE IN THE RESULT OF A RETURN OF ONE OF THE SPOUSES TO POLAND OR OTHER CIRCUMSTANCES THE ENTIRE FAMILY RESIDES AT PRESENT IN POLAND AND THERE IS NO PROBLEM OF FAMILY UNIFICATION WHATSOEVER;

-8 CASES AS TO WHICH THE POSITIVE DECISION CANNOT BE TAKEN. AMONG THESE THERE ARE THE CASES OF PERSONS OBLIGATED TO PAY ALIMONIES FOR THE CHILDREN OF THEIR PREVIOUS MARRIAGES. OR MEN BEING NOW IN THE MILITARY SERVICE, OR THESE WHO HAVE RECENTLY COMPLETED THAT SER-

VICE.

GUIDED BY THE HUMANITARIAN REASONS THE POLISH PASSPORT AUTHORITIES FOLLOWING THE APPLICATIONS OF THOSE INTERESTED SUCCESSIVELY ISSUE THE PERMITS FOR LEAVING POLAND TO THE PERSONS WHOSE FAMILIES ARE REALLY DIVIDED. OUR POSITION ON THIS SUBJECT HAVE BEEN EXPLAINED DURING THE TALKS IN WARSAW, THIS POSITION DID NOT CHANGE AND IS WELL KNOWN TO THE U.S. SIDE. END TEXT.

3. THE DCM EXPRESSED APPRECIATION FOR THIS REPLY, WHICH HE SAID WOULD BE ACCEPTED AS THE OFFICIAL RESPONSE PROMISED BY THE FOREIGN MINISTER DURING THE PRESIDENT'S VISIT. HE ADDED, HOWEVER, THAT THE US DIE LIMITED OFFICIAL USE

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COULD NOT BUT BE DISAPPOINTED IN THE TARDINESS OF THE REPLY, AND, MORE IMPORTANT, IN THE CONTENT.

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INFO OCT-01 ISO-00 VO-05 CA-01 CIAE-00 FBIE-00 INSE-00  
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WITH REGARD TO THE THREE SPECIAL CASES, THE POLISH STATEMENT APPEARS ON THE SURFACE TO OFFER SOME HOPE, AT LEAST WITH REGARD TO JAN BIEGUNSKI AND MARIA KOTLARZ. IN FACT, HOWEVER, ALL THREE CASES REMAIN UNSOLVED, AND WE WILL NOT CONSIDER THEM SETTLED UNTIL THE PERSONS INVOLVED ARE IN THE US.

THE DCM SAID OUR LATEST INFORMATION FROM MR. BIEGUNSKI IS THAT HE HAS AGAIN BEEN REFUSED A PASSPORT AND THAT HE HAS RECEIVED CONFLICTING ADVICE AS TO THE FORM OF CHILD SUPPORT PAYMENTS HE IS OBLIGED TO ARRANGE BEFORE HE LEAVES POLAND. THE SOLUTION OFFERED IN THE KOTLARZ CASE MAY NOT BE PRACTICABLE, SINCE OUR UNDERSTANDING IS THAT THE HUSBAND AND WIFE ARE TOTALLY ESTRANGED FROM ONE ANOTHER. AS FOR STROJEK, WE CAN ONLY EXPRESS OUR DEEP DISAPPOINTMENT THAT POLISH AUTHORITIES CONTINUE TO REFUSE THIS YOUNG MAN AN EXIT PERMIT. ON THE MORE GENERAL DIVIDED FAMILY SITUATION, WE CANNOT ACCEPT THE POLISH FIGURES AS DEFINITIVE. IN THE FIRST PLACE, OUR NUMBERS ARE DIFFERENT, WHICH IS WHY WE HAVE BEEN PRESSING FOR A BILATERAL REVIEW MECHANISM TO GO OVER OUR LISTS CASE BY CASE. SECONDLY, THE DCM ADDED, A NUMBER OF CASES OF SPECIAL HUMANITARIAN CONCERN HAVE NOT BEEN LIMITED OFFICIAL USE

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RESOLVED, AND E WILL CONTINUE TO PRESS FOR A FAVORABLE RESOLUTION OF THESE CASES.

4. SZEWCZYK REPEATED CONCERNS HE HAD EXPRESSED BEFORE THAT THE US SIDE IS EXAGGERATING THE IMPORTANCE OF THE DIVIDED FAMILY ISSUE. HE ALLEGED THAT "CERTAIN PEOPLE" ARE EXAGGERATING THE IMPORTANCE OF THIS ISSUE FOR "REASONS INIMICAL TO GOOD US-POLISH RELATIONS". THE DCM SAID SUCH AN INTERPRETATION OF US MOTIVES IS TOTALLY WRONG AND THAT OUR CONCERNS ARE GENUINE AND WILL CONTINUE AS LONG AS POLISH AUTHORITIES REFUSE TO PERMIT FREEDOM OF MOVEMENT, ESPECIALLY IN CASES OF FAMILY HARDSHIP. HE SAID HE HOPED THE MFA COULD CONVEY THE SERIOUSNESS OF OUR CONCERN TO OTHER ELEMENTS OF THE GOP. IN THE MEANTIME, WE STAND READY TO DISCUSS THIS SUBJECT AT ANY LEVEL AND IN AS MUCH DETAIL AS THE POLISH SIDE WISHES. ASIDE FROM OUR SYMPATHY FOR THE HUMAN BEINGS INVOLVED, OUR OVERRIDING CONCERN IS THAT IT NOT SOUR THE GOOD BILATERAL RELATIONS TO WHICH BOTH GOVERNMENTS ARE COMMITTED.

4. COMMENT: WE WILL HAVE OTHER COMMENTS TO MAKE ON THE POLISH "NON-PAPER" AFTER WE HAVE HAD TIME TO EXAMINE THE NUMBERS IN MORE DETAIL. FOR THE MOMENT, THOUGH, IT SEEMS CLEAR THAT THE LIMITED IMPROVEMENT IN THE DIVIDED FAMILY PROBLEM NOTED BEFORE PRESIDENT CARTER'S VISIT HAS NOT BEEN SUSTAINED INTO 1978.

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